

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

**IN RE:
WILLIAM KEITH HOLDEN
STACY ANN HOLDEN
Debtor(s)**

**QUICKEN LOANS INC.
Movant**

**v.
WILLIAM KEITH HOLDEN
STACY ANN HOLDEN
Debtor(s)**

**ROBERT J. WILKINSON
Trustee
Respondents**

CASE NO: 1:19-bk-12430-NWW

CHAPTER 7

JUDGE NICHOLAS W. WHITTENBURG

CONTESTED MATTER

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Notice is hereby given that:

Pursuant to E.D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the Clerk of Court at, Office of the Clerk, <http://ecf.tneb.uscourts.gov>, or United States Bankruptcy Court at, 31 East 11th Street, Chattanooga, TN 37402, an Objection within fourteen (14) days from the date this paper was filed and serve a copy on the Movant's attorney, 6 Cadillac Dr. Suite 140, Brentwood, TN 37027, bankruptcy@brockandscott.com. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

**MOTION FOR RELIEF FROM AUTOMATIC STAY REGARDING PROPERTY
LOCATED AT 43 RIDGEWAY DR, RINGGOLD, GA 30736**

COMES NOW, Quicken Loans Inc. (“Movant”), a secured creditor in the above-captioned case, by and through counsel, Brock & Scott, PLLC, and moves this Court to enter an order granting its request for relief from the automatic stay pursuant to 11 USC §362(a) on the following grounds:

1. On June 13, 2019, the Debtor(s) William Keith Holden and Stacy Ann Holden, filed a petition with the Bankruptcy Court for the Eastern District of Tennessee under Chapter 7 of Title 11 of the United States Code. Robert J. Wilkinson of Chattanooga, Tennessee was appointed as Trustee.
2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157. This is a contested matter pursuant to Bankruptcy Rule 9014.
3. The Debtors hold title to the real property with an address of 43 Ridgeway Dr, Ringgold, Georgia 30736 (hereinafter “Collateral”) and described in that Security Deed attached hereto and is incorporated herein as Exhibit “A”.
4. Movant holds a Promissory Note secured by Security Deed from the Debtor in the original principal amount of \$387,600.00 and dated April 30, 2018 (hereinafter “Note”). A copy of the Note is attached hereto and incorporated herein as Exhibit “B”
5. The Debtors have scheduled the value of the Collateral at \$293,370.00.
6. Upon information and belief, the approximate payoff due and owing to Movant as of June 17, 2019 is \$387,134.82.
7. Upon information and belief, the Debtor(s) intends to surrender the collateral.
8. Cause exists for relief from the automatic stay for the following reasons:

- a. The Debtors are surrendering the Property and Movant's interest is not adequately protected.
- b. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have insignificant equity in the Property for the Property to be of any consequential value to the estate.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit Movant to enforce its security interest in the Collateral.
2. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay.
3. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
4. That Movant be allowed to file a deficiency claim, should one exist, after the completion of any sale, foreclosure, or other disposition of the described property.
5. That Movant be entitled to recover its reasonable fees and expenses incurred in connection with seeking the relief requested in this Motion.

6. For such other relief as the Court deems just and proper.

This 28th day of June, 2019.

s/ Shilpini Burris
Shilpini Burris
State Bar No. 35526
Attorney for Movant
Brock & Scott, PLLC
6 Cadillac Dr. Suite 140
Brentwood, TN 37027
615-550-7697
615-550-8484
tnbkr@brockandscott.com

CERTIFICATE OF SERVICE

The undersigned hereby certified that the Motion for Relief, Proposed Order, and Attachments to the Motion for Relief or their pertinent excerpts were properly served on June 28, 2019, electronically or mailed, postage prepaid to the following parties of interest below.

Via First Class Mail, Postage Prepaid

William Keith Holden
43 Ridgeway Drive
Ringgold, GA 30736

Stacy Ann Holden
43 Ridgeway Drive
Ringgold, GA 30736

Via CM/ECF Electronic Notice

Amanda M. Stofan
100 West MLK Suite 816
Chattanooga, TN 37402

Robert J. Wilkinson
6918 Shallowford Road
Suite 100
Chattanooga, TN 37421

United States Trustee
Historic U.S. Courthouse
31 E. Eleventh Street, Fourth Floor
Chattanooga, TN 37402

This Friday, June 28, 2019

RESPECTFULLY SUBMITTED,

/s/ Shilpini Burris

Shilpini Burris
TN State Bar No. 35526
Attorney for Movant
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